

**CITY OF MILPITAS PLANNING COMMISSION
AGENDA FOR APRIL 22, 2009
CITY HALL COUNCIL CHAMBERS 7:30 P.M.
455 E. CALAVERAS BLVD., MILPITAS, CA 95035
(408) 586-3279**

- I. PLEDGE OF ALLEGIANCE**
- II. ROLL CALL**
- III. PUBLIC FORUM**

Members of the audience are invited to address the Planning Commission on any subject not on tonight's agenda. Speakers must come to the podium, state their name and address for the Secretary's record, and limit their remarks to under three minutes. As an unagendized item, no response is required of the City staff or the Commission; however, the Commission may agendize the item for a future meeting.

- IV. APPROVAL OF MINUTES:** April 8, 2009
- V. ANNOUNCEMENTS**
- VI. ANNOUNCEMENT OF CONFLICT OF INTEREST**
- VII. APPROVAL OF THE AGENDA**
- VIII. CONSENT CALENDAR (Items with an asterisk *)**

The consent calendar items are considered to be routine and will be considered with one public hearing and adopted by one motion. There will be no separate discussion of these items unless a member of the Planning Commission, member of the audience, or staff requests the Planning Commission to have an item removed from or added to the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar. If removed, this item will be discussed in the order in which it appears on the agenda.

IX. PRESENTATION

- 1. SERRA CENTER RENOVATION:** Preliminary application for a proposed mixed-use development totaling 813,468 square feet on an approximately 16 acres site located at 200 Serra Way (APN: 086-07-045, 021-044). Applicant: 200 Serra Way LLC. Staff Contact: Derek Farmer (408) 586-3287. *(Recommendation: Receive presentation and provide comments on the preliminary design concept.)*

X. PUBLIC HEARING

- *2. CONDITIONAL USE PERMIT NO. UP09-0005:** A request to operate a frozen yogurt shop with outdoor seating located at 489 E. Calaveras Blvd. (APN: 028-12-025), zoned Town Center with Site and Architectural Overlay (TC-S). No exterior changes to the site or building are proposed. Applicant: Cynthia Abad. Staff Contact: Judie Gilli (408) 586-3280. PJ # 2576. *(Recommendation: Adopt Resolution No. 09-020 approving the proposed project, subject to conditions of approval.)*

- *3. SITE DEVELOPMENT PERMIT NO. SD09-0002:** A request to locate an accessory structure (gazebo) on the rear portion of the property located at 461 Vista Ridge Drive. (APN: 042-30-007), zoned Single Family Residential with Hillside Combining District and 'S' Zone Overlay District (R1-H-S). Applicant: Javier R. Mercado. Staff Contact: Tiffany Brown (408) 586-3283. *(Recommendation: Adopt Resolution No. 09-019 recommending approval of the project subject to the conditions of approval to the City Council.)*

Any person aggrieved by any final decision of any, board, commission, or department head to the City of Milpitas may appeal the decision to the City Council by filing written notice of the appeal with the City Clerk within twelve (12) calendar days of the date of said decision and paying the required fee. This time limit shall be strictly enforced.

XI. ADJOURNMENT

THE NEXT PLANNING COMMISSION MEETING IS May 13, 2009

The Planning Division will provide a recorded agenda or minutes on standard cassette or printed in large type upon request for the visually impaired. In compliance with the Americans with Disabilities act, individuals requiring accommodation for this meeting should notify the Planning Division prior to the meeting at (408) 586-3279, TDD (408) 586-3013.

MILPITAS PLANNING COMMISSION SUBCOMMITTEE

The Planning Commission Subcommittee consists of two members (currently Gurdev Sandhu-regular member, Alex Galang-regular member, Noella Tabladillo-alternate member) of the Planning Commission, who have approval authority for Minor Site Development Permits and other minor project reviews not involving public hearings. **This project review will be held at 7:00 P.M. in the City of Milpitas Building Conference Room, First Floor, 455 E. Calaveras Boulevard.**

- a. MINOR SITE DEVELOPMENT PERMIT NO. MS09-0007:** A request to add a new entry to an existing building located at 596 Alder Drive. (APN: 086-02-056) zoned Industrial Park (MP). Applicant: RREEF Management. Staff Contact: Tiffany Brown (408) 586-3283. *(Recommendation: Approve Minor Site Development Permit No. MS09-0007, subject to conditions of approval)*

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review.

Materials related to an item on this agenda submitted to the Planning Commission after initial distribution of the agenda packet are available for public inspection at the Planning Department office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas during normal business hours.

For more information on your rights under the Open Government Ordinance or to report a violation of the ordinance, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035

E-mail: mogaz@ci.milpitas.ca.gov

Phone (408) 586-3040

Fax (408) 586-3030

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.